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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,096	11/13/2001	Joachim Blum	FA-1035	7509

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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,096

Applicant(s)

BLUM ET AL.

Examiner

William P. Fletcher III

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-37 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

1. Claim 36 is objected to because of the following informalities: “The process according to claim 29” should, apparently, read “The decorative plastic molded part according to claim 29.”  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. This claim recites “wherein the rear face is untreated.” This limitation renders the claim indefinite because it appears to contradict claim 10, from which it depends. Claim 10 recites disposing an opaque lacquer on the rear face. It is the examiner’s position that this constitutes a form of “treatment” of the rear face. To then say, in claim 16, that the rear face is untreated is contradictory and confusing. Based on claim 17, as well as the disclosure as a whole, the examiner has interpreted this limitation as “wherein the rear face is not pre-treated.”

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 10 – 12, 15 – 18, 20 – 24, 26, 29 – 31, 33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Wade (US 5,532,045).**

7. Wade teaches a decorative vehicle trim part [c. 1, ll. 10 – 13]. The part comprises a transparent plastic material **20** having an external surface (the surface facing the viewer: the front face) and an internal surface (the surface facing the vehicle body: the rear face) [c. 3, l. 35 – c. 4, l. 22]. The internal (rear) surface is coated with a colored or pigmented adhesive **30** to match or complement either the interior or exterior colors of the car [c. 5, l. 54 – c. 6, l. 6]. The part is produced by applying the lacquer to the rear face of the material **20**.

8. It is the examiner's position that this colored or pigmented adhesive reads on applicant's claimed opaque lacquer layer of either a colored lacquer or effect-producing lacquer. Since applicant has not explicitly defined the term, the examiner has given it the broadest reasonable interpretation consistent with the common meaning known by one of ordinary skill in the art: "any of various clear or colored synthetic organic coatings that typically dry to form a film by the evaporation of the solvent" [*Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition*, p. 650, attached]. Further, the film-forming adhesive components taught by Wade include some of the film-forming lacquer components disclosed by applicant. Consequently, there is no evidence of record that the colored or pigmented adhesive coating of Wade is excluded by applicant's definition of the term "lacquer."

9. With specific respect to claims 11, 12, 23, 24, 26, and 29, Wade discloses an embodiment in which the transparent plastic material **20** may be a multi-layer coating such as polyvinylchloride (PVC) with an acrylic over-layer [c. 4, ll. 13 – 14]. It is the examiner's position that, in this embodiment, the PVC layer reads on the plastic material having front and rear faces and the acrylic over-layer reads on a transparent lacquer coating, yielding a transparent plastics film, disposed on the front face. Absent clear and convincing evidence to the contrary, it

is the examiner's position that, within the context of applicant's disclosure, a cured transparent lacquer layer reads on a transparent plastic film and *vice-versa*.

10. With specific respect to claim 15, Wade teaches that the material **20** may be smooth or texturized [c. 3, ll. 58 – 60].

11. With specific respect to claims 16 and 17, the rear face may or may not be optionally pre-treated [c. 4, ll. 50 – 55].

12. With specific respect to claim 20, the material **20** may contain silica (i.e., silicon dioxide) and the adhesive **30** may contain micronized titanium dioxide [c. 6, ll. 1 – 3].

13. With specific respect to claims 21 and 22, Wade teaches that the material **20** may comprise, for example, acrylic and/or polyester polymeric materials [c. 3, l. 65 – c. 4, l. 14].

14. With specific respect to claim 30, Wade teaches that the plastic molded part may be used as a vehicle part, especially a trim part form an automobile or truck body [c. 1, ll. 10 – 13].

15. With specific respect to claims 31 and 33, as noted above, the rear face of the material **20** may be pre-treated prior to the application of the adhesive **30** by application of a coating material [c. 4, ll. 50 – 56].

16. With specific respect to claim 35, the pre-treatment coating serves to promote adhesion [c. 4, ll. 50 – 56].

**17. Claims 10 – 12, 16 – 19, 21 – 24, 29 – 31, 33, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaver (US 4,877,657).**

18. Yaver teaches a decorative vehicle trim part [abstract and c. 2, ll. 45 – 55]. The part comprises a transparent plastic core **11** having front and rear faces with an opaque lacquer layer

disposed directly on the rear face and a transparent film overlay disposed on the front face [cc. 3 – 4].

19. With specific respect to claims 16, 17, 31, 33, and 35, the rear face may or may not be pre-treated with an adhesion-promoting primer prior to application of the opaque lacquer layer [c. 3, ll. 46 – 63 and c. 5, ll. 45 – 46].

20. With respect to claim 19, Yaver teaches that the plastic core 11 may contain dyes [c. 3, ll. 9 – 15].

21. With specific respect to claims 21 and 22, the plastic core 11 may be a polyester, acrylonitrile/butadiene/styrene terpolymer, or acrylic film [c. 3, ll. 2 – 15].

22. With specific respect to claim 29, Yaver discloses one particular embodiment in which a tinted transparent film is applied to the front face [c. 5, ll. 1 – 19].

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**25. Claims 13, 14, 19, 25, 27, 28, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade (US 5,532,045).**

26. With respect to claims 13 and 14, the teaching of Wade is detailed above. Wade does not explicitly state, with respect to claim 13, that at least one of the faces has a smooth, high-gloss surface; or, with respect the claim 14, that the surface is the rear surface. Wade does teach that the plastic material **20** has a smooth surface unless it is treated to make it rough [c. 3, ll. 58 – 60]. Further, Wade teaches that the coating on the rear face matches the exterior colors of the car [c. 5, l. 66 – c. 6, l. 1]. It is well-known that the exterior finish of production automobiles is smooth and has a high gloss. Since Wade teaches that the plastic part is intended to be used as an exterior trim element, that it has a smooth surface, and matches the exterior paint of the car, it would have been obvious to one of ordinary skill in the art to provide the rear surface of the plastic part with a smooth, high-gloss so as to match the smooth-high gloss coating of a production automobile.

27. With respect to claim 19, Wade does not explicitly teach that the material **20** contains at least one of dyes, absorption pigments in non-opacifying amounts, effect pigments in non-opacifying amounts, or combinations thereof. Wade does, however, teach that the material **20** may be tinted [c. 4, ll. 11 – 12]. Dyes are well-known means of tinting a polymeric material. Consequently, it would have been obvious to one of ordinary skill in the art to utilize dyes to tint the material **20**.



28. With respect to claims 34 and 36, Wade does not explicitly teach that the color and/or effect producing lacquer layer **30** has a thickness of 10 to 30 micrometers. It is the examiner's position that the thickness of Wade's adhesive layer is a result-effective variable, effecting the adhesion and thickness of the overall plastic part. Absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed thickness range, it would have been obvious to one of ordinary skill in the art to optimize such a result-effective variable by routine experimentation [see MPEP § 2144.05(II)]. Alternatively, Wade teaches that the overall thickness of the part be at least 1 mil, preferably between 10 and 30 mils (at least ~25 micrometers, preferably between ~255 micrometers and ~760 micrometers). For the overall thickness to be in this range, the thickness of the adhesive would have to be an a range inclusive of applicant's claimed 10 to 30 micrometers.

29. With respect to claims 25, 27, and 28, While Wade does not explicitly teach the limitations of these claims, Wade does teach the further printing or other decoration of the material **20** according to techniques within the skill of the artisan [c. 5, ll. 45 – 52]. Consequently, based on this suggestion, it would have been obvious to one of ordinary skill in the art to do so.

**30. Claim 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Wade (US 5,532,045) as applied to claim 31 above, and further in view of Balloni et al. (EP 0 329 336 A2) or, in the alternative, in further view of Christopherson (GB 2 244 283 A).**

31. Wade teaches that the rear face of the material **20** can be treated to promote adhesion of a metallized layer thereto by either applying an adhesion-promoting coating or otherwise treating

the rear face [c. 4, ll. 50 – 56]. Wade is silent with respect to specific methods of non-coating treatment. The metallized layer is commonly aluminum applied by vacuum deposition [c. 4, ll. 31 – 65].

32. Balloni teaches flame treating a polymer film prior to the vacuum deposition of aluminum to improve the adhesion thereof to the film [abstract]. Further, Christopherson teaches the corona treatment of a polymer film prior to the vacuum deposition of aluminum to improve the adhesion thereof to the film [abstract and p. 4, para. 4].

33. Since Wade is silent as to the particular means of pre-treatment, one of ordinary skill in the art would have looked to the prior art for suitable techniques. Consequently, it would have been obvious to one of ordinary skill in the art to modify Wade in view of Balloni so as to flame-treat or Christopherson so as to corona-treat the material **20** so as to promote the adhesion of the vacuum metallized layer of aluminum thereto. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully promoting adhesion of the metallized layer.

**34. Claims 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaver (US 4,877,657).**

35. Yaver does not explicitly teach that the color and/or effect producing lacquer layer **30** has a thickness of 10 to 30 micrometers. It is the examiner's position that the thickness of Yaver's opaque lacquer layer is a result-effective variable, effecting the adhesion and thickness of the overall plastic part. Absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed thickness range, it would have been obvious to one of ordinary skill

in the art to optimize such a result-effective variable by routine experimentation [see MPEP § 2144.05(II)].

***Conclusion***

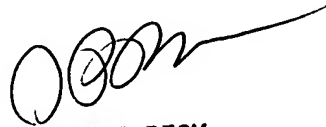
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (703) 308-7956. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

William P. Fletcher III  
Examiner  
Art Unit 1762

**WPSJ**  
July 28, 2003

  
**SHRIVE P. BECK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**